

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE**

<b>TEKLINKS, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 3:15-cv-908</b>
<b>PRESYS DATA, LLC,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**INITIAL CASE MANAGEMENT ORDER**

1.     **Jurisdiction:** The Court has jurisdiction of this case pursuant to 28 U.S.C. § 1332. Jurisdiction is not disputed.

2.     **Plaintiff's theory of the case:** The Plaintiff and Defendant entered into a contract pursuant to which Plaintiff sold goods to the Defendant, which the Defendant accepted and received. The Defendant has failed to pay the Plaintiff for the purchased goods and is therefore liable to the Plaintiff.

3.     **Defendant's theory of the case:** Plaintiff and Defendant did not enter a valid contract. Plaintiff provided goods based on email correspondence. Plaintiff's invoices do not accurately reflect the agreement of the Parties as contained in the emails. Further, Plaintiff was aware through course of business that payment may be delayed until completion of the projects for which Plaintiff's goods were used, and those projects, while not yet complete, are nearing completion. Understanding that these projects have been significantly delayed, Plaintiff has repeatedly offered to work out payment plans.

4.     **Identification of the issues:** In its Answer, the Defendant has admitted receiving the goods in question and has reserved rights to assert affirmative defenses. Plaintiff asserts that

there are no disputed issues of material fact and has filed a summary judgment motion on the claims in the Complaint.

5. **Need for other claims or special issues under Rules 13-15, 17-21, and Rule 23 of the Federal Rules of Civil Procedure:** None at this time.

6. **Witnesses, if known, subject to supplementation by each party:** The Parties will exchange known witnesses in their Rule 26(a) initial disclosures on or before October 23, 2015. Subject to further supplementation, the Parties expect that witnesses will include representatives of the Plaintiff and the Defendant.

7. **Initial Disclosures and Staging of Discovery.** Pursuant to Fed. R. Civ. P. 26(a)(1) the parties shall make their initial disclosures on or before October 23, 2015. The Parties shall complete all written discovery and depose all fact witnesses on or before January 31, 2016. The parties shall identify and disclose all expert witnesses and expert reports, if any, on or before December 31, 2015. No motions concerning discovery are to be filed until after the Parties have conferred in good faith and are unable to resolve their differences. Discovery-related Motions are due by February 12, 2016.

8. **Interrogatories, Requests for Production and Requests for Admission.** Each party shall be limited to 35 interrogatories, 35 requests for production and 30 requests for admission.

9. **Depositions.** Maximum of 5 depositions by Plaintiff and 5 by Defendant. Each deposition is limited to maximum of 7 hours unless extended by agreement of parties. Parties and counsel shall be reasonable and cooperate in order to complete depositions.

10. **Dispositive motions:** The Parties shall file all dispositive motions on or before February 15, 2016. Responses to dispositive motions, and replies thereto, shall be filed in accordance with this Court's local rules.

11. **Other deadlines:** All Motions to Amend the Pleadings are due by Dec.31, 2015.

12. **Subsequent case management conference:** A subsequent case management conference shall not be necessary.

13. **Alternative dispute resolution:** At this time, the Parties are unable to determine whether alternate dispute resolution is appropriate. The Parties will notify the Court if and when they determine that alternate dispute resolution is appropriate.

14. **Consent to trial before a Magistrate Judge.** The Parties consent to trial before the Magistrate Judge.

15. **Trial date:** This case will be tried without a jury and is expected to last one day. The Parties anticipate a target trial date in February/March 2016. This case is set for a bench trial on May 17, 2016, before the undersigned.

It is so **ORDERED:**

  
United States Magistrate Judge